THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO.2161 of 2005

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14th November 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15.06.2005 in W.P.NO.11552 OF 2003 on the file of the High Court.)

Between:

G.S.Reddy, S/o.Sathi Reddy, R/o.H.No.2-4-913, Goulnagar, Old Bus Depot Road, Hanamkonda, Warangal.

...APPELLANT

AND

1. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Warangal-I Depot, Warangal.
2. The Industrial Tribunal-cum-Labour Court, Warangal.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO.2161 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

This appeal is at the instance of the respondent in the Writ Petition which was filed by respondent No.1/Corporation herein seeking to assail the award dated 05.11.2002 in I.D.No.118 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, on a reference of dispute at the instance of the appellant/employee herein who was the driver against whom disciplinary proceedings were issued having regard to the accident caused by him. Ultimately, the Labour Court has given a finding that he is not responsible nor any negligence can be attributed to him, however directed reinstatement with back wages. As against the said order, the respondent/Corporation filed Writ Petition. The learned Single Judge, after going into the merits, accepted the findings of the Labour Court with regard to the fact that the appellant is not responsible for the accident. However, only on the ground that no reasons were given for awarding back wages interfered with the same and

disallowed the Writ Petition insofar as granting back wages from 23.04.1999 to 31.10.2001 and confirmed all other findings. Hence, the appeal.

Having considered the submissions made on either side and on perusal of the material available on record, it is seen that there is no dispute with regard to the checkered events. However, the Labour Court being given a finding absolved him of the charges and reinstated him with back wages. The very fact that the finding is given in his favour, apart from all allegations, the question with regard to the disentitlement of the back wages does not arise, as it is only a consequential order.

In view of the above, the Writ Appeal is allowed. The order of granting back wages is set aside. The appellant is entitled to back wages till the date of his retirement apart from the retiremental benefits to which he is entitled to subsequent there of. No costs.

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(B.PRAKASH RAO, J)

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(P.LAKSHMANA REDDY, J)

14th November 2005

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